

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of August 21, 2014

Board Members Present:

Chairman: Tracy Cagan

Vice Chairman: Jose
Gonzales

Jeanette Kieffer

Charles Ramirez

Michelle O'Hair-Schattenberg

Robert Altman, M.D.

Board Members Absent:

Nicholas Walters

Staff Present:

Executive Director Jack Confer

David Geriminsky

Susan Mathein

Legal Counsel:

Nancy Beck, Assistant Attorney
General

Board Recess:

10:25AM to 10:30AM.

11:45AM to 11:50AM

12:00PM p.m. to 1:00PM

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of August 21, 2014

CALL TO ORDER

The Meeting was called to order at 9:00AM by Chairman Cagan.

CONSENT AGENDA

CONSENT AGENDA: MOTION ON THE CONSENT:

MOTION: Board Member Gonzales to approve the Consent Agenda. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (6-0).

C-1 APPROVAL OF MINUTES

Recommended for Approval
June 19, 2014

C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Initial License

Recommended for approval by the Executive Director

| | | | |
|---------------------|-----------------|--------------------|-------------------|
| Amber Martinez | Ashley Shaver | Austin Miles | Brian Schnarr |
| Denise Whitehurst | Douglas Timm | Erica Stewart | Erik Sorensen |
| Fritzi Ann Panlilio | Gildardo Aleman | Jaclyn Wilkerson | Jenny Velasquez |
| Katherine Smith | Kaushal Saini | Kim Winkelman | Leann Olson |
| Lupita Silvain | Maria Olivella | Marizela Samaniego | Marjorie Tsosie |
| Marvin Rodriguez | Melissa Tubbs | Michelle Weber | Mona Stewart |
| Richa Patel | Samantha Kniep | Sandra Rector | Svetlana Petersen |
| Sydney Matheny | Taylor Lipsey | Thang Nguyen | Vanessa D'Aloisio |

ii. Re-Applications

Recommended for approval by the Executive Director

| | | | |
|-------------------|----------------|-----------------|----------------|
| Jonathan Anderson | Edgar Espinoza | Vivian Negreros | Karen Spurgeon |
| Niki Wong | | | |

iii. Temporary License

Recommended for Ratification by the Executive Director

| | | | |
|-----------------|---------------------|-----------------|-------------------|
| Abriel Chaparro | Robyn Crawford | Gertrude Dalton | Denise Desoto |
| Kevin Doyle | Loretta Eder | Judy Franklin | Flavius Heler |
| Jeffrey Kincaid | Samantha Meier | Donathan Ortega | Connie Ponton |
| Damika Porter | Tamara Porter | Nathan Sadek | Candace Schlenker |
| Brent Shawver | Katrina White-Woods | | |

C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files

| | | | |
|------------------|---------------------|--------------|---------------|
| Evan Americo | Jason Peterson | LaShay Poole | April Salazar |
| Cameron Van Sant | Reginald Willkerson | | |

C-4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

| | | | |
|---------------|------------------|---------------------|---------------------|
| Arthur Hardy | Azure Morris | Chad Christer | Cheryl McCormick |
| Colleen Ochs | Jessica Burdick | Joni Johnson-Whaley | Kathleen McLaughlin |
| Kenneth Black | Lloyd Thayne | Londa Tallant | Pacifico Lejano |
| Rikk Sowers | Robert Thomas | Roxanne Garcia | Shauna Johnson |
| Shawna Grose | Veronica Salazar | | |

C-4 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

| | | | |
|-----------------|-------------------|---------------------|--------------------|
| Allen Curtis | Aristotle Rulloda | Barbara Clark | Benjamin Villa |
| Bernice Berry | Candace Reisinger | Catherine Rodriguez | Charles Calahan |
| Connie Funk | Cynthia Overacker | Dan Watson | Danielle Hawthorne |
| Debra Rebel | Emily Ramthun | Eugen Cimpeanu | Frank Pisut |
| Guy Crockett | Haley Spiking | Heather Blankinship | Heather Moody |
| Helen Ketelhut | James Koerschner | Jane Fronczak | Janeen Ryan |
| Jennifer Garcia | Jennifer Hammel | Kathleen Beauregard | Kenneth Penton |
| Kerry Lewis | Kirsten Jacob | Lacey Michael | Ladonna Shomlea |
| Lee Jacobson | Linda Ozarchevici | Linda Sterling | Linda Wilde |

| | | | |
|--------------------|-----------------|-----------------|-------------------------|
| Lynda Nesbitt | Lynette Ewers | Lynette Schultz | Margaret Angelini-Craig |
| Margaret Krumwiede | Marie Fenske | Mark Ameerally | Mark Selenich |
| Mary Onak | Michelle Taylor | Michael Picard | Michael Selling |
| Michelle Siemion | Pamela Horton | Nancy Moore | Nick Heintz |
| Nicki Nelson | Renee Ferdais | Pandora Snyder | Peggy Weathers |
| Randy Martin | Sarah Gonzalez | Richard Bellew | Robert James |
| Ryan Johnson | Stephanie Hall | Sarah Stokes | Shannon Allen |
| Sherry Quarles | Tammy Spencer | Stuart Ferguson | Susan Bell |
| Tad First | Timothy Stalcup | | |

C-5 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

| | | | |
|--------------------|-------------------|-------------------|-------------------|
| Katalina Aregullin | Bernice Berry | Domanique Brown | Jared Dunn |
| Debra Fernandez | Jennifer Garcia | Timothy Hunsinger | Frasha Hussain |
| Sonalee Jechort | Donna Klabbatz | Samuel Peters | Michelle Platero |
| Stephen Quick | Ashley Ray | Todd Shanahan | Desiree Sifuentes |
| John Smith | Julie Stoneberger | Annette Strader | Pamela Thomas |
| Frances Watkins | Randy Whitsitt | | |

C-6 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, September 18, 2014, at 9:00AM

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

None

R-2 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. Picard, Michael Case Number C003119-13-009691

Chairman Cagan conducted a roll call and commenced the hearing. RCP Picard was not present. Assistant Attorney General Beck represented the State of Arizona and presented the State's case. Assistant Attorney General Beck questioned Investigator Geriminsky regarding the matter.

MOTION: Board Member O'Hair-Schattenberg to accept the Findings of Fact and Conclusions of Law. Seconded by Board Member Kieffer.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Member O'Hair-Schattenberg to revoke. Seconded by Board Member Kieffer

ROLL CALL VOTE: Motion passed (6-0).

2. Schunk, Ronald Case Number C003182-14-010712

Chairman Cagan conducted a roll call and commenced the hearing. RCP Schunk was present. Assistant Attorney General Beck questioned RCP Schunk regarding this matter.

MOTION: Board Member O'Hair-Schattenberg to accept the Findings of Fact and Conclusions of Law. Seconded by Board Chairman Cagan.

VOTE: Motion passed by roll call vote (6-0).

MOTION: Board Member O'Hair-Schattenberg to issue a Letter of Concern for violation of his probation order regarding term 2A – Abstain from unauthorized drug use/proof of prescription drugs. Seconded by Vice Chairman Gonzales.

ROLL CALL VOTE: Motion passed (5-1). Board Member Ramirez voted nay.

3. Gibbons, Douglas Case Number C003125-14-005958 (10:45AM)
Chairman Cagan conducted a roll call and commenced the hearing. RCP Gibbons was not present. Assistant Attorney General Beck represented the State of Arizona and presented the State's case. Assistant Attorney General Beck questioned Investigator Geriminsky regarding the matter.

MOTION: Board Member O'Hair-Schattenberg to accept the Findings of Fact and Conclusions of Law. Seconded by Vice Chairman Gonzales.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Vice Chairman Gonzales to revoke. Seconded by Board Member Altman.

ROLL CALL VOTE: Motion passed 6-0.

R-3 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

1. Corder, Karalyn Case Number C003122-13-008889
Chairman Cagan conducted a roll call and commenced the interview. RCP Corder was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matter.

MOTION: Board Member Altman to move this matter to a Formal Hearing. Seconded by Vice Chairman Gonzales.

VOTE: Motion passed (6-0).

2. Sayegh, Robert Case Number C003156-14-005758
Chairman Cagan conducted a roll call and commenced the interview. RCP Sayegh was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matter.

MOTION: Board Member Altman to move this matter to a Formal Hearing. Seconded by Vice Chairman Gonzales.

VOTE: Motion passed (6-0).

R-4 CONSIDERATION AND ACTION ON RENEWAL APPLICATIONS, INITIAL APPLICATION, & RE-APPLICATIONS FOR LICENSURE

1. Booth, Mark Case Number C003253-15-004908
See Item R-9.

2. Clement, Edward Case Number C003255-15-011273
Chairman Cagan conducted a roll call and commenced the interview. Applicant Clement was present. Investigator Geriminsky provided a summary of the matter. Applicant Clement addressed the Board and responded to questions.

MOTION: Board Member Ramirez to grant the license. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (6-0).

3. Gurevich, Anatoly Case Number C003256-15-011285
Chairman Cagan conducted a roll call and commenced the interview. Applicant Gurevich was present. Investigator Geriminsky provided a summary of the matter. Applicant Gurevich addressed the Board and responded to questions.

MOTION: Board Member Altman to grant the license. Motion failed for lack of a second.

SECOND MOTION: Board Member Ramirez to deny the application pursuant to A.R.S. 32-3552 A(3). Seconded by Vice Chairman Gonzales

ROLL CALL VOTE: Motion failed (2-4). Chairman Cagan, Board Members O'Hair-Schattenberg, Kieffer, and Altman voted nay.

THIRD MOTION: Board Member Altman to grant the license. Seconded by Board Member O'Hair-Schattenberg.

ROLL CALL VOTE: Motion passed (4-2). Vice Chairman Gonzales and Board Member Ramirez voted nay.

4. Munguia, Christopher Case Number C003260-14-011122
Chairman Cagan conducted a roll call and commenced the interview. RCP Munguia was present. Investigator Geriminsky summarized the matter. RCP Munguia addressed the Board and responded to questions. Chairman Cagan tabled the matter until further documentation is received. Applicant Munguia provided the documentation as requested.

MOTION: Board Member O'Hair-Schattenberg to grant license. Seconded by Board Member Kieffer.

VOTE: Motion passed (6-0).

5. Tagaban, Antonia Case Number C003254-15-011230
Chairman Cagan conducted a roll call and commenced the interview. RCP Tagaban was present. Investigator Geriminsky summarized the matter. RCP Tagaban addressed the Board and responded to questions.

MOTION: Board Member O'Hair-Schattenberg to grant the license. Seconded by Vice Chairman Gonzales.

VOTE: Motion passed (6-0).

R-5 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Allen, Melissa Case Number C003157-14-007764
Chairman Cagan conducted a roll call and commenced the interview. RCP Allen was present. Investigator Geriminsky presented the allegations. RCP Allen addressed the Board. Board Members discussed the matters concerning the allegations.

MOTION: Vice Chairman Gonzales to dismiss. Seconded by Board Member O'Hair-Schattenberg

VOTE: Motion passed (6-0).

2. Brown, Ginger Case Number C003161-14-007068
Chairman Cagan conducted a roll call and commenced the interview. RCP Brown was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matters concerning the allegations.

MOTION: Vice Chairman Gonzales to dismiss. Seconded by Board Member Ramirez.

VOTE: Motion passed (6-0).

3. Cameron, Sirena Case Number C003154-14-007255
Chairman Cagan conducted a roll call and commenced the interview. RCP Cameron was not present. Investigator Geriminsky presented the allegations. Board Members discussed regarding the matters concerning the allegations.

MOTION: Board Member Altman to move this matter to an Informal Interview. Seconded by Vice Chairman Gonzales.

VOTE: Motion passed (5-0). Board Member O'Hair-Schattenberg recused herself from this matter.

4. Farr, Scott Case Number C003176-14-000681
Chairman Cagan conducted a roll call and commenced the interview. RCP Farr was present. Investigator Geriminsky presented the allegations. RCP Farr addressed the Board. Board Members discussed the matters concerning the allegations.

MOTION: Vice Chairman Gonzales to dismiss. Seconded by Board

Member Ramirez.

VOTE: Motion passed (6-0).

5. Hagemann, Shannon Case Number C003185-14-006294
Chairman Cagan conducted a roll call and commenced the interview. RCP Hagemann was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matters concerning the allegations.

MOTION: Vice Chairman Gonzales to dismiss. Seconded by Board Member Kieffer.

VOTE: Motion passed (5-1). Board Member Altman voted nay.

6. Hernandez, Jennifer Case Number C003177-14-008549
Chairman Cagan conducted a roll call and commenced the interview. RCP Hernandez was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matters concerning the allegations.

MOTION: Board Member Ramirez to dismiss. Seconded by Board Member Altman.

VOTE: Motion passed (6-0).

7. Lenz, Donald Case Number C003168-14-010161
Chairman Cagan conducted a roll call and commenced the interview. RCP Lenz was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matters concerning the allegations.

MOTION: Board Member Altman to dismiss. Seconded by Board Member Ramirez.

VOTE: Motion passed (5-1). Vice Chairman Gonzales voting nay.

8. Pablo, Doreen Case Number C003234-14-007473
Chairman Cagan conducted a roll call and commenced the interview. RCP Pablo was not present. Executive Director Confer presented the allegations. Board Members discussed the matters concerning the allegations.

MOTION: Board Member Altman to dismiss. Motion failed for lack of a second.

SECOND MOTION: Board Member Ramirez to move this matter to an Informal Interview. Seconded by Vice Chairman Gonzales.

VOTE: Motion passed (5-1). Board Member Altman voted nay.

9. Peterson, James Case Number C003233-14-008654
Chairman Cagan conducted a roll call and commenced the interview. RCP Peterson was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matters regarding the allegations.

MOTION: Vice Chairman Gonzales to move to an Informal Interview. Seconded by Board Member Kieffer.

VOTE: Motion passed (6-0).

10. Soza, Elise Case Number C003192-14-006625
Chairman Cagan conducted a roll call and commenced the interview. RCP Soza was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matters regarding the allegations.

MOTION: Board Member Altman to move to Informal Interview. Seconded by Vice Chairman Gonzales.

VOTE: Motion failed (2-4). Chairman Cagan, Board Members Ramirez, Kieffer and O'Hair-Schattenberg voted nay.

SECOND MOTION: Board Member O'Hair-Schattenberg to dismiss. Seconded by Board Member Ramirez .

VOTE: Motion passed (4-2). Vice Chairman Gonzales and Board Member Altman voted nay.

11. Stock, Sharion Case Number C003184-14-001534
Chairman Cagan conducted a roll call and commenced the interview. RCP Stock was present. Investigator Geriminsky presented the allegations. RCP Stock addressed the Board. Board Members discussed the matters concerning the allegations.

MOTION: Board Member Kieffer to dismiss. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion failed by tie vote (3-3). Chairman Cagan, Vice Chairman Gonzales and Board Member Altman voted nay.

SECOND MOTION: Vice Chairman Gonzales to issue a letter of concern. Motion was withdrawn after further discussion.

THIRD MOTION: Board Member Kieffer to dismiss. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (5-1). Vice Chairman Gonzales voting nay.

12. Marini, Vanessa Case Number C003213-14-010877

Chairman Cagan conducted a roll call and commenced the interview. RCP Marini was not present. Investigator Geriminsky presented the allegations. Board Members discussed the matters regarding the allegations.

MOTION: Vice Chairman Gonzales to move this matter to a Formal Hearing. Motion was withdrawn after further discussion.

SECOND MOTION: Vice Chairman Gonzales to move this matter to an Informal Interview. Seconded by Board Member Altman.

VOTE: Motion passed (6-0).

R-6 PROBATION COMPLIANCE INTERVIEWS

1. Marsh, Jean Probationer P001021-13-008592

Chairman Cagan conducted a roll call and commenced the interview. RCP Marsh was present. Investigator Geriminsky presented the matters and indicated that RCP Marsh has requested early termination of her probation. RCP Marsh addressed the Board and answered questions. Board Members discussed the matters concerning RCP Marsh's probation.

MOTION: Chairman Cagan to Deny. Motion failed for lack of a second.

SECOND MOTION: Board Member Altman to terminate RCP Marsh's probation. Seconded by Board Member Ramirez.

VOTE: Motion passed (5-1). Chairman Cagan voted nay.

2. Delgado, Joshua Probationer P001033-13-006692

Chairman Cagan conducted a roll call and commenced the interview. RCP Delgado was present. Investigator Geriminsky presented the matters and indicated that RCP Delgado has requested early termination of his probation. RCP Delgado addressed the Board and answered questions. Board Members discussed the matters concerning RCP Delgado's probation.

MOTION: Vice Chairman Gonzales to terminate RCP Delgado's probation. Seconded by Board Member Altman.

VOTE: Motion passed (6-0).

R-7 CONSIDERATION AND ACTION ON RATIFICATION OF CONSENT AGREEMENTS

1. Cimpeanu, Eugen Case Number C003259-14-007990

Chairman Cagan conducted a roll call and commenced the interview. RCP Cimpeanu was not present. Executive Director Confer presented the matters regarding the consent

agreement. Discussion was held by the Board Members regarding this matter.

MOTION: Vice Chairman Gonzales to ratify the proposed consent agreement. Seconded by Board Member Altman.

VOTE: Motion passed (6-0).

R-8 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

1. FY 2014 Cash Flow Report (July 2014)
2. FY 2014 Revenue, Expenditure, Financial Trends Report (July 2014)
3. FY 2014 Fiscal Year End Status and Report (July 2014)
4. FY 2015 Cash Flow Report (August 2014)
5. FY 2015 Revenue, Expenditure, Financial Trends Report (August 2014)
6. FY 2016 Executive Budget Request
Executive Director Confer presented the budget.

MOTION: Vice Chairman Gonzales to accept. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (6-0).

7. Review, Consideration and Possible Vote on Executive Director Duties as they pertain to the Board's Licensing Program

8. Customer Satisfaction Results

9. Draft Agency Record Retention Schedule
Executive Director Confer reviewed for Board Members.

MOTION: Vice Chairman Gonzales to accept. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passes (6-0).

10. Notification and Update of Online Portal Transition
Executive Director Confer and Investigator Geriminsky reviewed the changes

11. Legislation and Rule
Executive Director Confer reviewed proposed (future) legislation for the Board.

MOTION: Vice Chairman Gonzales directing Staff to submit proposed legislation and rule amendments to require the RRT examination for initial licensing and to eliminate the temporary license. Seconded by Board Member Kieffer.

VOTE: Motion passes (6-0).

12. Draft Industry Survey

Discussion was held regarding the survey proposed by Staff, the Board requested changes to the questions regarding the Board.

13. Draft Guideline for Renewal Applicants, Supervisors and Directors for Working Without a Valid License

Discussion postponed.

R-9 REQUEST FOR WAIVER OF CONTINUING EDUCATION REQUIREMENT

1. Booth, Mark

Case Number C003253-15-004908

Chairman Cagan conducted a roll call and commenced the interview. RCP Booth was present. Investigator Geriminsky summarized the matter. RCP Booth addressed the Board and answered questions regarding the why he did not obtain the required continuing education.

MOTION: Vice Chairman Gonzales to deny the waiver. Seconded by Board Member Ramirez.

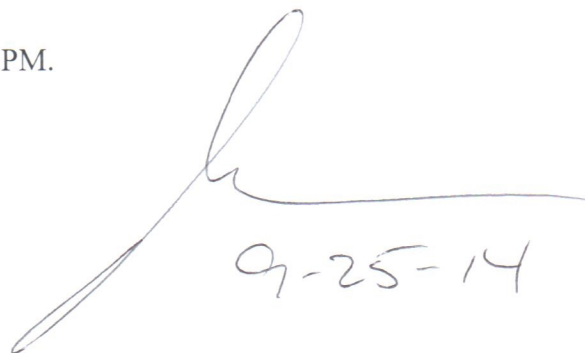
VOTE: Motion passes (6-1).

R-11 ITEMS TO BE PLACED ON A FUTURE AGENDA

None

R-12 ADJOURNMENT

Dated this 21st day of August, 2014 at 2:35 PM.

A handwritten signature in blue ink, followed by the date "9-25-14" written in the same ink.